

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

In re:

Hampton Hill Athletic Club, Inc.,

Debtor.

Case No. 15-04033

Chapter 11

**NOTICE OF MOTION SEEKING
11 U.S.C. §362(d) RELIEF**

**TO: DEBTOR, DEBTOR'S ATTORNEY, CHAPTER 7 TRUSTEE, AND THOSE
NAMED IN THE ATTACHED MOTION:**

PLEASE TAKE NOTICE THAT a hearing will be held on the attached Motion on:

Date: September 8, 2015

Time: 9:30 A.M.

Place: J. BRATTON DAVIS UNITED STATES BANKRUPTCY COURT, 1100
LAUREL STREET, COLUMBIA, SOUTH CAROLINA 29201

Within fourteen (14) days after service of the attached Motion, and the Notice of Motion, the movant's Certification of Facts, any party objecting to the relief sought shall:

- 1) File with the clerk a written objection to the 11 U.S.C. §362 Motion;
- 2) File with the clerk a Certification of Facts;
- 3) Serve on the movant items 1 and 2 above at the address shown below; and
- 4) File with the clerk a Certificate of Service.

If you fail to comply with this procedure, you may be denied the opportunity to appear and be heard on this proceeding before the court.

DATE OF SERVICE: August 4, 2015

MOVANT: Wiseheart Holdings, LLC

ATTORNEY: /s/Stanley H. McGuffin
Stanley H. McGuffin, District Court ID No. 3830

ATTORNEY'S ADDRESS: Haynsworth Sinkler Boyd, P.A.
Post Office Box 11889
Columbia, South Carolina 29211
(803) 779.3080

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

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Case No. 15-04033

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MOTION FOR RELIEF FROM 11 U.S.C. §362 AUTOMATIC STAY

Wiseheart Holdings LLC (hereinafter “Movant”), a creditor of Debtor, hereby moves the Court for relief from the automatic stay of 11 U.S.C. §362(d), and would show unto the Court the following:

1. Hampton Hill Athletic Club, Inc. (“Debtor”) filed a petition under Chapter 11 of the Bankruptcy Code on July 30, 2015.

2. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §1334 and 157. This is a core proceeding.

3. Movant is the landlord of Debtor pursuant to a Lease Agreement executed and delivered to Movant by Debtor dated January 10, 2003, and modified, extended, and/or renewed on June 21, 2010, April 30, 2014, and May 15, 2015 (collectively referred to as the “Lease”). The premises subject to the Lease is known as 5910 Garners Ferry Road, Columbia, SC (“Premises”). A true and correct copy of the Lease is attached as Exhibit A to the Certification of Facts and is incorporated herein by reference

4. The Lease was terminated pre-petition. Movant advised Debtor that it must vacate the Premises no later than July 31, 2015. A true and correct copy of the Notice of Lease Termination is attached as Exhibit B to the Certification of Facts and is incorporated herein by reference.

5. As of August 5, 2015, Debtor has not vacated the Premises. Movant seeks relief pursuant to 11 U.S.C. § 362(d)(1), for cause, for the limited purpose of exercising its non-bankruptcy rights to pursue a State Court eviction action to evict the Debtor and to remove the Debtor's personal belongings from the Premises. Movant is unable to re-lease the Premises due to the Debtor's continued use of the Premises and its personal property remaining on the Premises.

6. If Movant is not permitted relief from the automatic stay, it will continue to suffer injury, loss, and damage.

7. As of July 31, 2015, Movant was owed a total of \$49,617.00 in past due payments for the periods March 2014, April 2014, one-half of June 2015, and July 2015. Movant is also owed rent for any post-petition occupancy periods.

WHEREFORE, Movant prays that the Court issue its order:

1. Modifying the automatic stay pursuant to 11 U.S.C. §362(d)(1) to permit Movant to proceed with the State Court eviction;
2. Inspect the premises subject to the Lease identifying any leasehold improvements that will revert to Movant and are not property of the estate; and
3. For such other and further relief as the Court may deem just and proper.

HAYNSWORTH SINKLER BOYD, P.A.

By: /s/Stanley H. McGuffin
Stanley H. McGuffin
District Court ID No. 3830

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Attorneys for Wiseheart Holdings, LLC

August 5, 2015

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

In re:

Hampton Hill Athletic Club, Inc.,

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Case No. 15-04033

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CERTIFICATION OF FACTS

In the above-entitled case, in which relief is sought by Wiseheart Holdings, LLC (“Movant”) from the automatic stay provided by 11 U.S.C. §362, I do hereby certify to the best of my knowledge the following:

1. Nature of movant’s interest. Movant is the holder of a Lease Agreement executed and delivered to Movant by Debtor dated January 10, 2003, and modified, extended, and/or renewed on June 21, 2010, April 30, 2014, and May 15, 2015.
2. Brief description of security agreement or authority under which interest arises, copy attached (if applicable). Movant is the holder of a Lease Agreement executed and delivered to Movant by Debtor dated January 10, 2003, and modified, extended, and/or renewed on June 21, 2010, April 30, 2014, and May 15, 2015.
3. Description of property encumbered by stay (include serial number, lot and block number, etc.). 5910 Garners Ferry Road, Columbia, SC (“Premises”).
4. Basis for relief (property not necessary for reorganization, debtor has no equity, property not property of estate, etc.; include applicable subsection of 11 U.S.C. §362). To the extent applicable, Movant seeks relief pursuant to 11 U.S.C. § 362(d)(1), as more fully set forth in the § 362 Motion filed on even date.
5. Prior adjudication by other courts, copy attached (decree of foreclosure, order for possession, levy of execution, etc., if applicable). N/A
6. Valuation of vehicles, copy of valuation attached (appraisal, blue book, etc.):

Fair Market Value	N/A
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Liens	N/A
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Equity Before Exemption	N/A
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Debtor’s Exemption (-)	N/A
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Net Equity N/A

Source/Basis of Value N/A

7. Amount of Debtor's estimated equity (using figures from paragraph 6, supra). N/A
8. Month and year in which first direct post-petition payment came due to Movant (if applicable): Movant is entitled to rent for any post-petition occupancy periods.
9. For Movant/Lienholder (if applicable): List or attach a list of all post-petition payments received directly from Debtor(s), clearly showing date received, amount, and month and year for which each such payment was applied. N/A
10. Month and year for which post-petition account of Debtor(s) is due as of the date of this motion: July 31, 2015, and any post-petition occupancy periods.

HAYNSWORTH SINKLER BOYD, P.A.

By: /s/Stanley H. McGuffin
Stanley H. McGuffin
District Court ID No. 3830

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Attorneys for Wiseheart Holdings, LLC

August 4, 2015

**UNITED STATES BANKRUPTCY COURT
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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on August 4, 2015, I served the below-named parties with copies of the following document(s):

**NOTICE OF MOTION, MOTION FOR RELIEF FROM 11 U.S.C. § 362 AUTOMATIC
STAY AND CERTIFICATION OF FACTS**

by mailing said copies to them by first-class, United States mail, postage prepaid, with return address clearly shown to said parties at the addresses shown below.

Hampton Hill Athletic Club, Inc.
5910 Garners Ferry Road
Columbia, SC 29209

Jane H. Downey, Esq.
Moore Taylor Law Firm, P.A.
PO Box 5709
West Columbia, SC 29171

John Timothy Stack, Esq.
Office of the US Trustee
1838 Assembly Street, Suite 953
Columbia, SC 29201

360 Equipment Finance
300 Beardsley Lane, Bldg D, Suite 201
Austin, TX 78746

ACE Glass Company, Inc.
PO Box 4432
Columbia, SC 29240

American Express
PO Box 650448
Dallas, TX 75265-0349

Celtic Bank Corporation
268 South State Street, Suite 300
Salt Lake City, UT 84111

City of Columbia
1339 Main Street
Columbia, SC 29217

Financial Pacific Leasing
3455 S. 344th Way, Suite 300
Auburn, WA 98001

First Citizen Bank
PO Box 29
Columbia, SC 29202

M&J Cleaning Services
159 Ashwood Lake Drive
Columbia, SC 29209

Michael B. Arnold & Phillip Dee
Grimsley Law Firm, LLC
1703 Laurel Street
Columbia, SC 29201

NBSC Card Services
PO Box 2181
Columbus, GA 31902-2181

Robert P. McCullough, CPA, LLC
3302 Mullwood Ave
Columbia, SC 29205

Time Warner Business Cable
PO Box 77169
Charlotte, NC 28271-7169

Marlin Leasing
300 Fellowship Road
Mount Laurel, NJ 08054

Moxie House
153 East King Street, Suite 212
Lancaster, PA 17602

Richland County Treasurer
PO Box 11947
Columbia, SC 29211-1947

SCE&G
PO Box 100255
Columbia, SC 29202

TNG Worldwide/The Industry Source
29683 W.K. Smith Drive
New Hudson, MI 48165

HAYNSWORTH SINKLER BOYD, P.A.

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